

III. REMARKS

Claims 1-40 are pending in this application. Applicant is not conceding in this application that those claims are not patentable over the art cited by the Office, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the subject matter. Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 1-7, 9, 11-17, 19-26, 28-29 and 31-39 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Klicnik *et al.* (U.S. Patent Pub. No. 2002/0184226 A1), hereafter “Klicnik,” in view of Liang *et al.* (*Bundle Dependency in Open Services Gateway Initiative Framework Initialization*, 2002, IEEE), hereafter “Liang,” and further in view of Bansal *et al.* (U.S. Patent Pub. No. 2003/0191823 A1), hereafter “Bansal.” Claims 8 and 18 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Klicnik in view of Liang and Bansal, and further in view of Clohessy *et al.* (U.S. Patent Pub. No. 2003/0023661 A1), hereafter “Clohessy.” Claims 10, 27, 30 and 40 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Klicnik in view of Liang and Bansal, and further in view of Hall *et al.* (*Component Deployment on OSGi: The Gravity Case*, January 29, 2003, Fractal Workshop – LSR-Adele), hereafter “Hall.”

A. REJECTION OF CLAIMS 1-7, 9, 11-17, 19-26, 28-29 AND 31-39 UNDER 35 U.S.C. §103(a) OVER KLICNIK IN VIEW OF LIANG AND BANSAL

With regard to the 35 U.S.C. §103(a) rejection over Klicnik in view of Liang and Bansal, Applicant respectfully asserts that the references cited by the Office do not teach or suggest each and every feature of the claimed invention. For example, with respect to independent claims 1, 11, 19 and 31, Applicant continues to submit that the cited references fail to teach or suggest polling the client device by the server to determine if the client device has the at least one other prerequisite. The Office admits that Kicnik and Liang do not teach this feature. Instead, the Office relies on passages in Bansal that explains an ability of its Service Management System (SMS) to query for the list of installed services with service information. However, this passage of Bansal does not specify that these example searches are performed with the goal of determining whether a device upon which a prerequisite is to be loaded already has the prerequisite.

In contrast, the claimed invention includes "...polling the client device by the server to determine if the client device has the at least one other prerequisite." Claim 1. As such, the polling of the claimed invention, in contrast to the querying of Bansal, is done to determine if the client device has the at least one other prerequisite that needs to be loaded. Thus, the querying of Bansal does not teach or suggest the polling of the claimed invention. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

With further respect to independent claims 1, 11, 19 and 31, Applicant respectfully submits that the references cited by the Office also fail to teach or suggest the loading of both a native application and any prerequisite applications from server to client in an OSGi environment. The Office admits that neither Klicnik nor Liang teaches loading of these

applications. Instead, the Office relies on Bansal. However, the passage of Bansal relied on by the Office teaches only that a single new embedded service is installed on its network device. To this extent, the Office does not show that Bansal teaches or suggests loading, using its method, of both a native application and its prerequisites in an OSGi environment. For the above reasons, the combination of the references cited by the Office does not teach the features of the claimed invention. Accordingly, Applicant requests that the rejection be withdrawn.

With respect to the Office's other arguments regarding dependent claims, Applicant herein incorporates the arguments presented above with respect to the independent claims from which the claims depend. Furthermore, Applicant submits that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicant respectfully requests withdrawal of this rejection.

B. OTHER REJECTIONS UNDER 35 U.S.C. §103(a)

With regard to the 35 U.S.C. §103(a) rejection over Klicnik in view of Liang, Bansal, and Clohessy, Applicant respectfully asserts that the references cited by the Office do not teach or suggest each and every feature of the claimed invention. For example, with respect to dependent claims 8 and 18, Applicant respectfully submits that the cited references fail to teach or suggest that the method for resolving prerequisites is performed recursively for the at least one prerequisite to resolve prerequisites for the at least one prerequisite. The Office admits that Klicnik, Liang and Bansal do not explicitly teach this feature. Instead, the Office cites a passage of Clohessy that it states provides for loading one or more new application components into a portable device only if maximum runtime resources required by the one or more new application

components are available in the portable device. However, even assuming the Office's statement, the providing of Clohessy is based on a single test, i.e., that of maximum runtime resources. To this extent, the Office does not show that Clohessy teaches or suggests resolving a prerequisite for an application, resolving a prerequisite for the prerequisite, etc., and doing it recursively. As such, the Office does not show that the recursive elements, if any, of Clohessy are performed for prerequisites to resolve prerequisites of prerequisites. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

With respect to the Office's other arguments regarding dependent claims, Applicant herein incorporates the arguments presented above with respect to the independent claims from which the claims depend. Furthermore, Applicant submits that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicant respectfully requests withdrawal of this rejection.

IV. CONCLUSION

In addition to the above arguments, Applicant submits that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicant does not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicant does not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However,

Applicant reserves the right to present such arguments in a later response should one be necessary.

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,



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